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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,086	04/19/2004	Laszlo Elieto	35997-217740	1860
23973 7590 08/15/2008 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996				
EXAMINER				
ZEE, EDWARD				
ART UNIT		PAPER NUMBER		
2135				
MAIL DATE		DELIVERY MODE		
08/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/827,086

**Applicant(s)**

ELTETO, LASZLO

**Examiner**

EDWARD ZEE

**Art Unit**

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 and 20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the amendments filed on May 12<sup>th</sup>, 2008. Claims 11-19 have been cancelled; Claims 1-10 and 20 are pending and have been considered below.

***Claim Rejections - 35 USC § 112***

2. The amendments filed on May 12<sup>th</sup>, 2008 have been considered and are persuasive, thus the previous rejections have been withdrawn.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. **Claims 1-9 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Schriefer (2004/0023520).**

***Claim 1:*** Schriefer discloses a flexible token apparatus, comprising:

- a. a first member(*ie. connector head*), for insertion into a USB-compliant host computer female connector along a first longitudinal axis, USB-compliant host computer female connector having a plurality of host conductive surfaces [page 1, paragraph 0004-0005];
- b. a second member(*ie. body of the peripheral device*), disposed along a second longitudinal axis, the second member having a processor providing conditional access to data stored in a memory(*ie. memory devices, communication devices, etc.*) [page 1, paragraph 0008];
- c. a flexible conductor, electrically coupling the processor and the plurality of host conductive surfaces when the first member is inserted into the USB-compliant host computer female connector and a bendable

member, coupled to the first member and the second member, the bendable member permitting the second longitudinal axis rotated away from the first longitudinal axis(*ie. bend or rotate along an axis*) [page 1, paragraph 0005].

**Claim 2:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the bendable member comprises a joint permitting the second member to be rotated about the joint so that the second longitudinal axis is non-collinear with the first longitudinal axis(*ie. spin the peripheral device if host connector has different horizontal or veridical orientation*) [page 1, paragraph 0005].

**Claim 3:** Schriefer discloses an apparatus as in claim 2 above and further discloses that the joint is a ball joint [page 2, paragraph 0021].

**Claim 4:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the bendable member comprises a hinge [page 2, paragraph 0021].

**Claim 5:** Schriefer discloses an apparatus as in claim 4 above and further discloses that the hinge is bendable in a single plane and the bendable member further comprises a rotatable member permitting rotation of the plane(*ie. two degrees of freedom*) [page 2, paragraph 0020].

**Claim 6:** Schriefer discloses an apparatus as in claim 5 above, and further discloses that the bendable member comprises a gooseneck [page 3, paragraph 0028].

**Claim 7:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the flexible conductor comprises a plurality of token conductive surfaces communicatively coupled to the processor [figure 10a].

**Claim 8:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the flexible conductor comprises a plurality of token conductive surfaces and a flex circuit, having a plurality of conductive traces coupled to the plurality of token conductive surfaces and the processor [figure 10a].

**Claim 9:** Schriefer discloses an apparatus as in claim 1 above and further discloses that the flexible conductor comprises a flex circuit, having a plurality of conductive traces communicatively coupled to the processor, the plurality of conductive traces including exposed portions presenting conductive surfaces contacting the host conductive surfaces when the first member is inserted into the USB host computer female connector(*ie. object 205*) [figure 2b].

**Claim 20:** Schriefer discloses a method as in claim 1 above and further discloses that the first and second members are rigid(*ie. prone to breakage*) [page 1, paragraph 0003].

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schriefer (2004/0023520) in view of Elteto et al. (2001/0043702).**

**Claim 10:** Schriefer discloses an apparatus as in claim 1 above and further discloses:

- a. the token comprises a biometric device [page 1, paragraph 0004];
- b. and the bendable member is bendable in a plane perpendicular to the surface of the token [figure 3b];
- c. but does not explicitly disclose that the biometric device is a fingerprint scanning device.

However, Elteto et al. discloses a similar apparatus and further discloses a biometric device comprising a fingerprint sensor disposed on the surface of the token(*ie. 200*) [figure 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to employ the particular biometric device disclosed by Elteto et al. in the apparatus disclosed by Schriefer in order to prevent breakage of the device, as suggested by Schriefer [page 1, paragraph 0003].

***Response to Arguments***

7. Applicant's arguments filed on May 12<sup>th</sup>, 2008 have been fully considered but they are not persuasive.
8. **Regarding Claim 1:** The Applicant argues that the Schriefer reference does not disclose a flexible token comprising a member for insertion into a USB female connector, coupled by a bendable member to a second member having a processor providing conditional access to data stored in memory, all of which are incorporated directly into the flexible token *and cannot be uncoupled from it*. However, the Examiner respectfully notes that this explicit feature does not appear to be recited in the instant claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, in the interest of expediting prosecution, the Examiner notes that Schriefer discloses a connector which comprises a first connector and an electronic device, such as a biometric device, coupled together by a connection mechanism which permits rotation(*ie. "The connector may further comprise additional connector heads, an electronic device and/or an additional connection mechanism to permit rotation..."*) [page 1, paragraph 0007].

The Applicant further argues that the Schriefer reference does not disclose a token as recited in the instant claim, in particular appears to suggest that the claimed "token" encompasses a security tokens which provides biometric data, as noted on page 6 of the remarks submitted on May 12<sup>th</sup>, 2008. However, the Examiner respectfully disagrees and submits that Schriefer does in fact disclose a token as claimed. Schriefer discloses that the invention is at least drawn towards electronic devices such as biometric devices amongst a slew of other devices [page 1, paragraph 0004].

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD ZEE whose telephone number is (571)270-1686. The examiner can normally be reached on Monday through Thursday 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EZ

August 7, 2008

/KimYen Vu/

Supervisory Patent Examiner, Art Unit 2135